IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION

MDL No. 2323 12-md-2323

THIS DOCUMENT RELATES TO ACTIONS INVOLVING ANY RIDDELL DEFENDANT¹

ORDER

AND NOW, this _____ day of ______, 2015, it is ORDERED that the Motion to

Sever (ECF No. 3593) filed by Defendants Riddell, Inc.; All-American Sports Corporation; Riddell Sports Group, Inc.; Easton-Bell Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and RBG Holdings Corp. (collectively, the "Riddell Defendants") is **GRANTED**² without

The claims against the Riddell Defendants primarily relate to deficiencies in the helmets they supplied to the NFL. See ECF No. 2642 (Am. Master Administrative Long-Form Complaint), at 73-82. Severance is appropriate to promote the efficient administration of justice in the resolution of these claims because, for example, the plaintiffs may have played for different teams, used different Riddell helmets at different times, and suffer from different symptoms and injuries. Moreover, certain Riddell Defendants may not have been in existence at the time some plaintiffs played in the NFL. See In re Asbestos Prods. Liability Litig., MDL No. 875, Nos. 01-00162, 08-71147, 2009 WL 959539, at *1 (E.D. Pa. Apr. 6, 2009) ("We note that claims of different plaintiffs which involve common legal issues, but totally different alleged facts, may not be grouped into a single action"); In re Diet Drugs, 325 F. Supp. 2d at 541 (severing claims where the plaintiffs suffered injuries as a result of consuming two drugs produced by Wyeth because their claims did not "arise out of the same transaction . . . or series of transactions").

¹ The Riddell Defendants are Riddell, Inc.; All-American Sports Corporation; Riddell Sports Group, Inc.; Easton-Bell Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and RBG Holdings Corp. This Order DOES NOT APPLY to actions filed only against the NFL or NFL Properties, LLC ("NFL Defendants").

² The Riddell Defendants move to sever based on Rules 20 and 21 of the Federal Rules of Civil Procedure. Under Rule 20, parties may be joined if their claims arise "out of the same transaction, occurrence, or series of transactions or occurrences" or involve common questions of law or fact. Fed. R. Civ. P. 20(a)(1). Under Rule 21, a court may sever parties if they are misjoined or for the "efficient administration of justice." Official Cmte. Of Unsecured Creditors v. Shapiro, 190 F.R.D. 352, 355 (E.D. Pa. 2000) (quoting 4 Moore's Federal Practice § 21.02(1)); see also In re Diet Drugs, 325 F. Supp. 2d 540, 541 (E.D. Pa. 2004).

prejudice.³ It is further **ORDERED** that:

- Any claims against any Riddell Defendants are SEVERED from any claims against the NFL or NFL Properties, LLC (the "NFL Defendants").⁴
- Each multi-plaintiff action filed against any Riddell Defendants that is severed by
 Paragraph 1 of this Order is further SEVERED into separate individual actions against those Riddell Defendants.
- 3. Any action currently pending against the NFL Defendants is unaffected by this Order.
- 4. On or before **January 29, 2016**, each plaintiff who wishes to continue to pursue his/her original claims against any Riddell Defendant must file an individual Severed Complaint.
- 5. Unless otherwise authorized by the Court, a plaintiff's Severed Complaint may contain only claims asserted in his/her original action and may name only the Riddell Defendant(s) sued in that original action.
- 6. Each plaintiff filing a Severed Complaint pursuant to this Order must indicate that the complaint is related to Civil Action No. 12-md-2323. The caption in each Severed Complaint must conform to the attached template.
- 7. The Clerk of Court is directed to assign a separate Civil Action Number to each Severed Complaint. The Clerk of Court is directed to file a copy of this Order in any severed civil action commenced pursuant to this Order.
- 8. For each Riddell Defendant named in a Severed Complaint, counsel who have entered an appearance on behalf of that Riddell Defendant in Civil Action No. 12-md-2323 are designated as defense counsel for that Riddell Defendant.

³ This severance does not affect the pre-existing rights of any party. Moreover, this severance shall be without prejudice to any party's right to request consolidation at a later stage of the litigation.

⁴ To the extent that any action affected by this Order names any other defendants, the claims against any Riddell Defendants are severed from claims against those defendants.

- Each plaintiff who files a Severed Complaint must remit a filing fee of \$400.00 to the Clerk of Court.
- 10. Failure to file a Severed Complaint on or before January 29, 2016, will result in the dismissal with prejudice of any and all claims asserted by that plaintiff against any Riddell Defendants.

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ANITA B. BRODY	7, J.

Copies VIA ECF on ______ to:

Copies MAILED on _____ to:

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TEMPLATE CAPTION FOR SEVERED COMPLAINTS Plaintiff, Civil Action No. v. [check the relevant Riddell Defendants*] Riddell, Inc. All American Sports, Inc. Riddell Sports Group, Inc. Easton-Bell Sports, Inc. Easton-Bell Sports, LLC **EB Sports Corporation RBG** Holdings Corporation Defendants. THIS DOCUMENT RELATES TO: In re: National Football League Players' Concussion Injury Litigation (MDL 2323), No. 12-md-2323

SEVERED COMPLAINT AGAINST RIDDELL DEFENDANTS

^{*} A plaintiff may name all or some subset of the Riddell Defendants originally sued. A plaintiff may not name a Riddell Defendant not sued in his/her original action.

- 2:12-cv-336 WALLACE et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-1023 MAXWELL et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-1024 BARNES et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-1025 PEAR et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-1026 STEED v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-1423 HUGHES et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-2505 BROOKS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-2799 JACKSON et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-2800 MYLES et al v. NATIONAL FOOTBALL LEAGUE et al
- $2{:}12\hbox{-cv-}3337$ GRANGER et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-3533 MONK et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-3534 HENDERSON et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-3535 KUECHENBERG et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-3537 RHETT et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-3715 WALLACE v. NATIONAL FOOTBALL LEAGUE et al 2:12-cv-3776 RADEMACHER et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4087 MORTON et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4241 SCOTT v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4379 SIMPSON et al v. NATIONAL FOOTBAL LEAGUE et al
- 2:12-cv-4573 GAY et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4574 CUNNINGHAM et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4575 KAPP et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4576 BAUMAN et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4631 DUERSON v. NATIONAL FOOTBALL LEAGUE, INC. et al
- 2:12-cv-4632 ANDREWS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-4699 WALKER v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-5042 CENTERS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-5210 MORRIS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-5212 GAYLE v. NATIONAL FOOTBALL LEAGUE, INC. et al
- 2:12-cv-5372 BAILEY et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-5475 TAYLOR et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-5781 MEANS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-6196 HAYES et al v. NATIONAL FOOTBALL LEAGUE et al
- $2{:}12\text{-cv-}6671$ FRANCIS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-6774 ABDULLAH et al v. NATIONAL FOOTBALL LEAGUE et al 2:12-cv-6904 ARONSON et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-7015 WOODS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-7138 MELTON et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:12-cv-7214 SWEET et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-95 SULLIVAN et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-961 HILLIARD et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-962 WILLIAMS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-1531 SEAU et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-1532 SEAU et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-1790 BELL et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-1891 ORTEGO v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-1981 ANDERSON et al v. NATIONAL FOOTBALL LEAGUE et al 2:13-cv-2244 BALLARD et al v. NATIONAL FOOTBALL LEAGUE, INC. et al
- 2:13-cv-2802 HOLT et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-4230 DeLEONE v. NATIONAL FOOTBALL LEAGUE, et al
- 2:13-cv-4231 DUCKWORTH et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-4549 BUSH et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5200 CALDWELL et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5211 MALONE et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5258 BLUE v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5309 BAGGS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5437 WILLIAMS et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5439 ALLEN et al v. NATIONAL FOOTBALL LEAGUE et al
- 2:13-cv-5642 CLARKS et al v. NATIONAL FOOTBALL LEAGUE et al

2:13-cv-5766	KERNEK Calsen Patron nat-020278 AAB LE Pootuur ent 6706	Filed 12/01/15	Page 6 of 6
2:13-cv-5841	PRUITT et al v. NATIONAL FOOTBALL LEAGUE et al		_
2:13-cv-6159	LEWIS et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-6164	MOSES et al v. NATIONAL FOOTBALL LEAGUE, INC. et al		
2:13-cv-6354	SIMMONS et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-6681	HOUSE et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-7376	DOUGLASS et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-7533	COCHRAN et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-7628	HUDSON et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-7659	DEMARIE et al v. NATIONAL FOOTBALL LEAGUE et al		
2:13-cv-7661	ADAMS et al v. NFL PROPERTIES, L.L.C. et al		
2:14-cv-561	BROOKS et al v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-1616	SHERMAN v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-1617	HOOPES v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-1750	LEIBSON v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-2064	JANI et al v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-2396	FASSITT et al v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-2623	PHILLIPS v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-3842	NEIL v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-4399	ALLISON et al v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-4480	MOSS et al v. NATIONAL FOOTBALL LEAGUE et al		
2:14-cv-4502	MCCANTS v. NATIONAL FOOTBALL LEAGUE et al		